

MESSAGE NO: 4241111 MESSAGE DATE: 08/29/1994

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: SCO-Scope PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
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CASE #(s): A-570-504

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 07/27/1994 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: FINAL SCOPE RULING ON PETROLEUM WAX CANDLES FROM THE PEOPLES
REPUBLIC OF CHINA (A-570-504) (STAR MERCHNADISE COMPANY, INC.)

MESSAGE NO: 4241111

DATE: 08 29 1994

CATEGORY: ADA

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CASES: A - 570 - 504

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PERIOD COVERED: 07 27 1994 TO

LIQ SUSPENSION DATE:

TO: REGIONAL DIRECTORS, COMMERCIAL OPERATIONS
DISTRICT DIRECTORS, AREA AND PORT DIRECTORS

FROM: DIRECTOR, TRADE COMPLIANCE DIVISION

RE: FINAL SCOPE RULING ON PETROLEUM WAX CANDLES FROM
THE PEOPLES REPUBLIC OF CHINA (A-570-504)
(STAR MERCHNADISE COMPANY, INC.)

1. ON JULY 27, 1994, IN RESPONSE TO A REQUEST BY STAR
MERCHANDISE COMPANY, INC. (STAR), THE DEPARTMENT OF COMMERCE
ISSUED A FINAL SCOPE RULING THAT CERTAIN CITRONELLA CANDLES
IN TERRA-COTTA CONTAINERS ARE NOT WITHIN THE SCOPE OF THE
ANTIDUMPING DUTY ORDER ON PETROLEUM WAX CANDLES FROM THE
PEOPLE'S REPUBLIC OF CHINA (A-570-504). THE DEPARTMENT
DETERMINED THAT THE STAR CANDLES, WHICH ARE CANDLES WITH
CITRONELLA OIL IN TERRA-COTTA CONTAINERS, ARE EXCLUDED FROM
THE SCOPE OF topTHE ANTIDUMPING DUTY ORDER BECAUSE THE

CITRONELLA OIL IMPARTS A DIFFERENT AND SIGNIFICANT UTILITY TO THE CANDLES AS INSECT REPELLENT. THEREFORE, THE STAR CITRONELLA CANDLES ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER ON PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA. THE FOLLOWING STAR MODELS ARE ENCOMPASSED BY THIS DETERMINATION:

HFT709 ROUND, DIAMETER 2-3/8", HEIGHT 2-5/8",
YELLOW WAX
HFT801 HEART-SHAPED; WIDTH 3", YELLOW WAX
HFT819 BEAR-SHAPED; LENGTH 2-1/2", WIDTH 2-1/4"
HEIGHT 2-1/2", GREEN WAX
HFT821 SNOWMAN-SHAPED; DIAMETER 2-1/2". HEIGHT
2-1/2", GREEN WAX
HFT822 SANTA-CLAUS SHAPED; DIAMETER 2-1/2",
HEIGHT 2-1/2", GREEN WAX
HFT823 EVERGREEN TREE-SHAPED; LENGTH 3-3/4", WIDTH 3",
HEIGHT 1-1/4", GREEN WAX
HFT824 BELL-SHAPED; LENGTH 3-1/2", WIDTH 3", RED WAX
HFT825 STAR-SHAPED; 2-7/8" ACROSS, RED WAX

2. THE DEPARTMENT HAS ALSO DETERMINED THAT THE FOLLOWING CANDLES IN METAL CONTAINERS DO NOT FALL WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER, AS THESE ARE HOLIDAY NOVELTY CANDLES:

HFT704 HEXAGONAL; WIDTH 2-1/2", HEIGHT 2";
SANTA'S SLEIGH; RED WAX
HFT705 SQUARE; 2-1/4" X 2-1/4", HEIGHT 3-1/8";
GREEN WITH SANTAS AND BELLS; RED WAX
HFT707 ROUND; DIAMETER 3-3/8", HEIGHT 1-3/4";
SANTA AND CHILD; RED WAX
HFT828 OVAL; LENGTH 3", WIDTH 2", HEIGHT 2-1/8";
SNOWMAN; RED WAX
HFT829 ROUND; DIAMETER 3.; HEIGHT 1-3/4"; SANTA'S
SLEIGH; RED WAX
HFX915 MOLDED, HAND-PAINTED WAX SANTA; HEIGHT 4-3/4"
HFT846 HEXAGONAL; WIDTH 2-1/2", HEIGHT 2"; WITCH;
ORANGE WAX

HFT847 SQUARE; 2-1/4" X 2-1/4", HEIGHT 3-1/8"; WITCH;
ORANGE WAX
HFT848 ROUND; DIAMETER 3.; HEIGHT 1-3/4"; WITCH;
ORANGE WAX

3. THE DEPARTMENT FURTHER DETERMINES THAT THE FOLLOWING STAR PRODUCTS ARE WAX-FILLED CONTAINERS, AND AS SUCH, ARE WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER:

HFT842 ROUND; DIAMETER 2-1/2", HEIGHT 3-3/8";LOBSTER;
BLUE WAX
HFT843 OVAL; LENGTH 3", WIDTH 2", HEIGHT 2-1/8";
SEAHORSES; BLUE WAX
HFT844 ROUND; DIAMETER 3", HEIGHT 1-3/4";LOBSTERS;
BLUE WAX
HFT845 HEART-SHAPED; LENGTH 2-3/4.; WIDTH 2-3/4",
HEIGHT 1-7/8"; SEAHORSES; BLUE WAX
HFT702 SQUARE; 2-1/4" X 2-1/4", HEIGHT 3-1/8";
STRAWBERRIES AND FLOWERS; BLUE WAX
HFT703 ROUND; DIAMETER 3-3/8", HEIGHT 1-3/4";
CHERRIES AND FLOWERS; PINK WAX
HFT814 HEART-SHAPED; LENGTH 2-3/4", WIDTH 2-3/4",
HEIGHT 1-7/8"; BEAR FAMILY; BLUE WAX

4. EFFECTIVE IMMEDIATELY, TERMINATE SUSPENSION OF LIQUIDATION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES, REGARDLESS OF ENTRY DATE, OF THE STAR MODELS LISTED IN PARAGRAPHS 1 AND 2 ABOVE.
5. CONTINUE TO SUSPEND LIQUIDATION OF ENTRIES OF PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA, INCLUDING THE STAR PRODUCTS LISTED IN PARAGRAPH 3 ABOVE, SUBJECT TO THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA.
6. THE ASSESSMENT OF ANTIDUMPING DUTIES BY THE CUSTOMS SERVICE ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778

REQUIRES THAT CUSTOMS PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES PRIOR TO THE DATE OF THE ORDER INTEREST SHALL BE CALCULATED FROM THE DATE OF PAYMENT OF ESTIMATED ANTIDUMPING DUTIES THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL THROUGH THE REGIONAL ANTIDUMPING/COUNTERVAILING DUTY COORDINATOR, THE TRADE COMPLIANCE DIVISION, ANTIDUMPING/COUNTERVAILING DUTY BRANCH, USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND INTERESTED PARTIES SHOULD CONTACT ROBERT M. JAMES AT (202) 482-5222, OFFICE OF ANTIDUMPING COMPLIANCE, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE.

8. THERE ARE NO RESTRICTIONS ON RELEASE OF THIS INFORMATION.

NANCY MCTIERNAN

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party